

Remarks

Pages 25 to 32 of the specification have been deleted from the specification as duplicative of other passages of the specification.

Non-elected claims 6 to 11 and 13 to 17 have been cancelled without prejudice or disclaimer of the encompassed subject matter.

Applicants submit that no prohibited matter has been added by the amendments to the specification and claims.

1. Updated Table of Commonly Assigned Applications

The Examiner's attention is called to the following updated table of U.S. patents and pending applications of Applicants' assignee that may be considered as technically related. The current status of each application as reported in the PAIR database is given in the right-hand column.

It is assumed that the Examiner has ready electronic access to each of the listed U.S. applications, but the undersigned will provide a copy of any document from these files if requested by the Examiner.

U.S. Serial No. Filing Date	Inventor	U.S. Pub. No. Pub. Date	PCT Pub. No. PCT Pub. Date	Current Status
09/913,539 December 7, 2001	Nigel P. Taylor et al.	6,844,437 January 18, 2005	WO 00/49014 August 24, 2000	Granted
10/610,700 July 2, 2003	Nigel P. Taylor et al.	6,784,171 August 31, 2004	WO 00/49014 August 24, 2000	Granted
10/885,244 July 7, 2004	Nigel P. Taylor et al.		WO 00/49014 August 24, 2000	Abandoned
10/483,430 January 12, 2004	Akio Matsushita et al.	7,304,156 December 4, 2007	WO 03/006439 January 23, 2003	Granted
11/933,626 November 1, 2007	Akio Matsushita et al.	7,816,528 October 19, 2010	WO 03/006439 January 23, 2003	Granted
12/889,186 September 23, 2010	Andrew J. Blacker et al.		WO 03/006439 January 23, 2003	Assigned to Examiner Venkataraman Balasubramanian in GAU 1624; Restriction Requirement mailed June 17, 2011
10/275,092 November 1, 2002	Andrew J. Blacker et al.	7,157,255 January 2, 2007	WO 01/85975 November 15, 2001	Granted
11/412,047 April 27, 2006	Andrew J. Blacker et al.	7,416,865 August 26, 2008	WO 01/85975 November 15, 2001	Granted

U.S. Serial No. Filing Date	Inventor	U.S. Pub. No. Pub. Date	PCT Pub. No. PCT Pub. Date	Current Status
12/178,424 July 23, 2008	Andrew J. Blacker et al.	7,732,171 June 8, 2010	WO 01/85975 November 15, 2001	Granted
12/768,459 April 27, 2010	Andrew J. Blacker et al.	US 2010-0209984 August 19, 2010	WO 01/85975 November 15, 2001	Allowed
10/524,235 August 18, 2005	John Horbury et al.	7,511,140 March 31, 2009	WO 2004/014872 February 19, 2004	Granted
12/371,359 February 13, 2009	John Horbury et al.	7,842,807 November 30, 2010	WO 2004/014872 February 19, 2004	Granted
10/558,390 February 29, 2008	Jeffrey N. Crabb et al.	US 20080221323 September 11, 2008	WO 2004/108691 December 16, 2004	Assigned to Examiner Venkataraman Balasubramanian in GAU 1624; Response to non-final Office Action filed April 18, 2011
10/571,254 March 9, 2006	Rebecca J. Booth et al.	US 20060293355 December 28, 2006	WO 2005/023779 March 17, 2005	Abandoned
12/615,935 November 10, 2009	Rebecca J. Booth et al.	US 20100222373 September 2, 2010	WO 2005/023779 March 17, 2005	Abandoned
13/038,245 March 1, 2011	Rebecca J. Booth et al.		WO 2005/023779 March 17, 2005	Application Undergoing Pre-exam Processing
10/572,635 March 17, 2006	Simon N. Black et al.	US 20070105882 May 10, 2007	WO 2005/028450 March 31, 2005	Abandoned
10/333,351 January 17, 2003	Jacob H. Kooistra et al.	6,870,059 March 22, 2005	WO 02/06266 January 24, 2002	Granted
11/053,090 February 7, 2005	Jacob H. Kooistra et al.	7,642,363 January 5, 2010	WO 02/06266 January 24, 2002	Granted
12/625,156 November 24, 2009	Jacob H. Kooistra et al.	US 20100136339 June 3, 2010	WO 02/06266 January 24, 2002	Assigned to Examiner Taylor V OH in GAU 1625; Notice of Allowance mailed April 4, 2011
10/537,723 June 7, 2005	Lee Newton et al.	7,524,955 April 28, 2009	WO 2004/054986 July 1, 2004	Granted
11/948,615 November 30, 2007	Lenger.	US 2008-0188657 August 7, 2008		Assigned to Examiner V. Balasubramanian in GAU 1624; Response filed June 7, 2011
10/518,164 July 25, 2005	Hermanus C. Bakel Van et al.	7,442,811 October 28, 2008	WO 03/106447 December 24, 2003	Granted
10/501,250 December 6, 2004	Robert P. Hof	7,718,812 May 18, 2010	WO 03/059901 July 24, 2003	Granted
11/793,418 June 20, 2007	Michael Butters et al.	US 20080207903 August 28, 2008	WO 2006/067456 June 29, 2006	Assigned to Examiner Venkataraman Balasubramanian in GAU 1624; Notice of Allowance mailed June 8, 2011
11/994,925 January 7, 2008	Michael Butters et al.	US 20100228028 September 9, 2010	WO 2007/007119 January 18, 2007	Assigned to Examiner Deepak R. Rao in GAU 1624; Ready for Examination

U.S. Serial No. Filing Date	Inventor	U.S. Pub. No. Pub. Date	PCT Pub. No. PCT Pub. Date	Current Status
12/404,575 March 16, 2009	Lee Newton et al.	US 20090264654 October 22, 2009	WO 2004/054986 July 1, 2004	Assigned to Examiner Erich A. Leiser in GAU 1624; Response to Restriction Requirement mailed June 9, 2011

2. Objection to the Specification

The Examiner objects to the drawings appearing in the specification as detailed on page 2 of the Office Action.

Applicants have deleted duplicative pages 25 to 32 from the specification and therefore request that this rejection be withdrawn.

3. Rejection under 35 U.S.C. 103(a)

Claims 1 to 5 are rejected under 35 U.S.C. 103(a) as obvious over WO 03/016317 for the reasons asserted on pages 3-4 of the Office Action.

Applicants respectfully disagree with the Examiner's characterization of WO 03/016317, which is concerned with the use of calcium hydroxide to achieve both hydrolysis of the ester group (in a compound of Applicants' formula (8)) and formation of the calcium salt (of various statins) in one reaction, instead of hydrolysing the ester with, for example, a sodium base to form the sodium salt and then treating this product with a calcium-containing reagent to form the calcium salt (see for example the abstract).

WO 03/016317 also describes formation of the calcium salt of a statin starting from a compound such as one of Applicants' formula (7) where it is also necessary to remove the dial protecting group. WO 03/016317 describes this as possible in some cases with the use of calcium hydroxide alone. Alternatively, the diol might be removed first but the teaching associated with this process is for the resulting intermediate ester (equivalent of formula (8)) not to be isolated in pure form, but rather to continue in a one-pot process with minimal intermediate processing steps (see, for example, pages 16, 17 and 18) and examples 1 and 2 (intermediate ester is a powder or oily product and not purified before further use). The skilled artisan would understand that the teaching of WO 03/016317 is to minimal processing and one-pot reactions.

Therefore, WO 03/016317 effectively teaches away from the claimed invention, which is deliberately directed to the isolation of the intermediate of formula (8) in pure, crystalline form.

Applicants would also point out that the passage referred to by the Examiner on page 12, lines 23-35 appears to be referring to crystalline end products (*i.e.*, calcium salts of statins), and not to intermediates.

For at least the above reasons, Applicants respectfully request withdrawal of this rejection.

4. Conclusion

The foregoing amendments and remarks are submitted to place the application in condition for allowance. Applicants therefore respectfully request reconsideration and timely allowance of the pending claims. Should an interview be helpful to further prosecution of this application, the Examiner is invited to telephone the undersigned.

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